

ASSEMBLY BILL

No. 234

Introduced by Assembly Member Gordon

February 4, 2015

An act to amend Section 114376 of the Health and Safety Code, relating to food.

LEGISLATIVE COUNSEL'S DIGEST

AB 234, as introduced, Gordon. Food: sale.

Existing law, the California Retail Food Code, establishes uniform health and sanitation standards for retail food facilities and provides for the enforcement of those standards by local health agencies and by the State Department of Public Health, as specified. Under existing law, unless a local jurisdiction adopts an ordinance prohibiting the activity, a community food producer or gleaner may sell or provide whole uncut fruits or vegetables, or unrefrigerated shell eggs, directly to the public, to a permitted restaurant, or a cottage food operation if the community food producer meets specified requirements. A violation of the code is a crime.

This bill would authorize a community food producer or gleaner to sell or provide whole uncut fruits or vegetables, or unrefrigerated shell eggs, directly to a permitted food facility. By expanding the definition of a crime, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 114376 of the Health and Safety Code
2 is amended to read:

3 114376. (a) Unless a local jurisdiction adopts an ordinance
4 regulating community food production or agricultural production
5 that prohibits the activity, a community food producer or gleaner
6 may sell or provide whole uncut fruits or vegetables, or
7 unrefrigerated shell eggs, directly to the public, to a permitted
8 ~~restaurant~~, *food facility*, or a cottage food operation if the
9 community food producer meets all of the following requirements
10 in addition to any requirements imposed by an ordinance adopted
11 by a local jurisdiction:

12 (1) Agricultural products shall be grown or produced in
13 compliance with subdivision (b) of Section 113735.

14 (2) Agricultural products shall be labeled with the name and
15 address of the community food producer.

16 (3) Conspicuous signage shall be provided in lieu of a product
17 label if the agricultural product is being sold by the community
18 food producer on the site of production. The signage shall include,
19 but not be limited to, the name and address of the community food
20 producer.

21 (4) Best management practices, as described by the Department
22 of Food and Agriculture, regarding small farm food safety
23 guidelines on, but not limited to, safe production, processing, and
24 handling of both nonpotentially hazardous and potentially
25 hazardous foods.

26 (5) Egg production shall be limited to 15 dozen eggs per month.

27 (b) A local city or county health enforcement office may require
28 a community food producer or gleaner to register with the city or
29 county and to provide specified information, including, but not
30 limited to, the name, address, and telephone number of the
31 community food producer or gleaner.

32 SEC. 2. No reimbursement is required by this act pursuant to
33 Section 6 of Article XIII B of the California Constitution because
34 the only costs that may be incurred by a local agency or school
35 district will be incurred because this act creates a new crime or

1 infraction, eliminates a crime or infraction, or changes the penalty
2 for a crime or infraction, within the meaning of Section 17556 of
3 the Government Code, or changes the definition of a crime within
4 the meaning of Section 6 of Article XIII B of the California
5 Constitution.

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